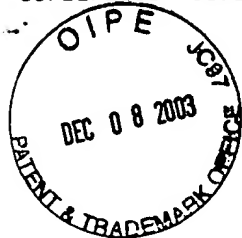


#11



October 8, 2003  
**RECEIVED**  
DEC 12 2003  
**GROUP 3600**

To Whom It May Concern:

Re: Patent Application 09/476,711 "A Declarative Method for Business Management"

Total Quality Management (TQM) is a broad philosophy based upon three fundamental concepts that nearly all writers in the field agree upon: (1) a focus on customers and stakeholders, (2) employee participation and empowerment, and (3) a process focus driven by continuous improvement. As such, TQM is basically a "soft science," a managerial philosophy of integrating customer needs into the design and delivery of products and services, organizing work and capitalizing on employee's creativity and knowledge, and improving products and services. TQM is supported by numerous technical and engineering tools and procedures, including statistical process control (SPC), "Six Sigma," reliability analysis, process mapping, and the "7 QC Tools," among others, many of which have been adapted from other fields such as statistics, project management, and operations research. I have not, to the best of my knowledge in writing, teaching, and researching in this field for almost 20 years, seen any type of rule-based procedure used to implement, characterize, or formalize TQM.

The invention in the above cited patent application, as described, appears to address the much broader scope of business decision making, and does not match any description of TQM as practiced and as described in the literature.

As such, it is my opinion that to the best of my understanding of the invention, it was not known, practiced, suggested, or made obvious by TQM, nor is it made obvious in my writings or any published literature of which I am aware as of 12/30/1999.

A copy of my curriculum vitae is attached.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8 October 2003

James R. Evans

Professor of Quantitative Analysis and Operations Management  
Director, Total Quality Management Center, College of Business  
University of Cincinnati

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**EXHIBIT** A

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